UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/212,442	12/16/1998	UDO BARTSCH	3597-16	8450

7590 05/23/2002

MCCORMICK PAULDING & HUBER
CITYPLACE II
185 ASYLUM STREET
HARTFORD, CT 061034102

EXAMINER	
PRETLOW, DEMETRIUS R	
ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/212,442	BARTSCH ET AL.	
	Examiner	Art Unit	
	Demetrius R. Pretlow	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Claim Objections

1. Claims 31 and 35 objected to because of the following informalities:

In reference to claim 31, a dial having a holographic pattern printed on at least a part of the dial is not disclosed.

In reference to claim 35, an altimeter is not disclosed.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karr et al in view of Helm et al. further in view of Allgaier et al further in view of Castellano et al, further in view of Hutchings et al and further in view of Smith et al. Karr et al teaches a measuring modules (86) which is used to measure the length of each stride by performing mathematic functions. Note Karr et al, abstract , Figures 2 and 5. Karr et al teaches a data processing unit (86), data input units (40,42,44,46), an indicator unit (38), a clock (58) galvanically separate from the measuring module. Karr et al teaches transmitting data via an antenna to the processing and display module (16), which can be interpreted as non-touching obtaining means. Karr et al. does not teach non- touching and non-galvanically obtaining the indicated time data from the

clock and for transmitting the so obtained indicated time data to the measuring module. Helm et al. teach non- touching and non-galvanically obtaining the indicated time data from the clock (1) and for transmitting the so obtained indicated time data to the measuring module (3). Note Figures 1, Figure 3 and column 4, lines 3-50. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Karr et al and Helm et al because it would allow the ease of resetting a clock, particularly when entering a new time zone. Note Helm et al. column 4, lines 4, lines 47-50.

In reference to claim 2, Karr et al teaches a time indicator selectable settable and after a measurement resetable to the actual time. Note Karr et al column 5, lines 27-48.

In reference to claim 3, Karr et al and Helm et al. do not teach an analog time indicator with hands, and obtaining means obtains hand positions. Allgaier et al teaches analog time indicator with hands, and obtaining means obtains hand positions. Note Allgaier et al abstract. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to add the teachings of Allgaier et al with the combination of Karr et al, and Helm et al. because it will provide a simpler query of position and the transfer of the display elements into a predetermined display position, in particular a reference position, that may be carried out. Note Allgaier et al. column 1, lines 53-58.

In reference to claim 4, Karr et al and Helm et al do not teach optically obtaining hand positions. Allgaier et al teaches obtaining hand positions. Note Allgaier et al Abstract. It would have been obvious to a person of ordinary skill in the art at the time

the invention was made to add the teachings of Allgaier et al to the combination of Karr et al and Helm et al because it would allow the device to keep accurate time.

In reference to claim 5, Karr et al teaches a digital indicator with an LCD screen (38). Note Figure 1 item 16. Karr et al teaches a measuring module (86) which corresponds to start, stop and restart functions. There has to be a counter involved for the device to determine time and some type of sensor is used to transfer the data to the display to show the time which suggests that the measuring module has a counter triggerable by a sensor sensing LCD screen. Note Figure 1 item 16 and column 7 lines 60-66. Karr et al does not teach the display selectively switchable to dark, however LCD screen selectively switchable to dark is notoriously known in the art because it would allow a user with bad eye site to adjust the display to a desired preference.

In reference to claim 6, Karr et al teaches devices for wireless transmission. Note Figure 4 item 78 and Figure 5 item 84.

In reference to claim 7, Karr et al, Helm et al, Allgaier et al, Castellano et al and Hutchings et al do not teach measuring module releasably connected with the clock, however a measuring module releasably connected with the clock is well known in the art because it would allow a person to remove the measuring module to download measured information with out interfering with the clock.

In reference to claim 8, Karr et al, Helm et al, Allgaier et al., Castellano et al, and Hutchings et al do not teach a measuring module clippable onto the clock, however measuring module clippable to a clock is well known in the art because it would allow the measuring module to be removed easily.

In reference to claim 10, Karr et al teaches a wristband (36).

In reference to claims 9 and 23, Karr et al teaches a common housing (34) for the clock and measuring module. Note column 5 lines, 8-18.

In reference to claim 11, Karr et al., Helm et al, Allgaier et al and Hutchings et al not teach the measurements of parameters of the body. Castellano et al teaches analyzing blood characteristics, which is interpreted as a parameter of the body. Note Castellano et al column 13 lines 35-44. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Castellano et al with the teachings of Karr et al and Helm et al because it would allow a person to detect if a persons glucose level is high.

In reference to claim 12, Karr et al, teach environmental parameters. Note column 7, lines 55-60.

In reference to claim 13, Karr et al, Helm et al and Allgaier et al do not teach a data processing unit that has a memory accessible through the data input unit. Castellano et al teaches data processing unit (314) that has a memory accessible through the data input unit (310). Note Castellano et al column 13, lines, 61-67. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Castellano et al with the teachings of Karr et al, Helm et al and Allgaier et al because it would allow program instructions to be uploaded and information downloaded. Note Castellano et al column 13, lines, 61-67.

In reference to claim 14, Karr et al teaches an alarm coupled to the measuring module. Note column 8 lines10-13.

In reference to claim 15, Karr et al teaches carrying out calculation functions. Note column 5 lines 13-18.

In reference to claim 16, Karr et al , Helm et al and Allgaier et al do not teach supevisory functions. Castellano et al teaches supervisory functions. Note Castellano et al. column 9 lines 3-8 and 43-45. It would have been obvious to a person of ordinary skill in the art at the time invention was made to add the teachings of Castellano et al to the combination of Karr et al., Helm et al and Allgaier et al because it would remind a user to perform injections in case they forget. Note column 9 lines 3-8 and 43-45.

In reference to claim 17, Karr et al, Helm et al and Allgaier et al not teach indicating the amount and the application time point of a medicine. Castellano et al teaches indicating the amount and the application time point of a medicine. Note Castellano et al column 9 lines, 29-32. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Castellano et al with the teachings of Karr et al, Helm et al and Allgaier et al because it would allow the doctor to download the stored information for review. Note Castellano et al column 9 lines, 29-32.

In reference to claim 18, Karr et al teaches a measuring module having a radio receiver (84). Note column 7 lines 42-52.

In reference to claim 19, Karr et al, Helm et al , Allgaier et al and Castellano et al do not teach geographic position. Hutchings et al teaches geographic position. Note claim 12 and column 19 lines 3-19. It would have been obvious to combine the

teachings of Hutchings et al with the combination of Karr et al, Helm et al, and Castellano et al because it would allow periodic updates of coordinates to be obtained.

In reference to claim 20, Karr et al, Helm et al, Allgaier et al , Castellano et al, and Hutchings do not teach a data processor connected to a speech module. However speech module connected with a data processor is well known in the art because it would allow people with physical disabilities (ex. missing arms) to activate a device with there voice.

In reference to claim 21, Karr et al, Helm et al, Allgaier et al and Hutchings et al do not teach a contact service for data exchange with an external device. Castellano et al teaches a contact service (46) for data exchange with an external device. Note Castellano et al column 9 lines 37-45. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Castellano et al with the teachings of Karr et al, Helm et al and Hutchings because it would allow the doctor to download stored medical information. Note Castellano et al column 9 lines 37-45.

In reference to claim 22 the Karr et al, Helm et al, Allgaier et al and Hutchings et al do not teach contact surface covered. Castellano et al appears to teach the contact (46) covered. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Castellano et al with the teachings of Karr et al and Helm et al et al because it would help prevent the contact from being damaged and contaminated thereby preventing transmission.

In reference to claim 24, Karr et al, Helm et al, Allgaier and Hutchings et al do not teach contact elements on the side of the clock housing. Castellano et al teaches contact elements on the side of the clock housing. Note Figure 22 item (320) and column 14 lines 41-48. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Castellano et al with the teachings of Karr et al, Helm et al, Allgaier et al and Hutchings et al. because it would allow stored data to be downloaded.

In reference to claim 25 Karr et al, Helm et al, Allgaier et al, Castellano et al, and Hutchings et al do not teach an alarm device actuated when a data exchange has ended. However using an alarm to indicate a data exchange has ended is well known in the art because it would notify the doctor that all the information desired as been successfully downloaded.

In reference to claim 26, Karr et al, Helm et al, Allgaier et al, Castellano et al and Hutchings et al do not teach a transponder for the contactless transmission of data. However transponders are well known in the art because it is commonly used with wireless transmissions.

In reference to claim 27 Karr et al, Helm et al, Allgaier et al, Castellano et al, and Hutchings et al do not teach a clock housing is pot shaped, but if Karr et al provided a side view of item 16, it would be similar to applicant's Figure 4 which is described as a pot shape. Pot shaped clock housing is well known in the art because it would allow the placement of numerous electronic elements.

In reference to claim 28, Karr et al, Helm et al, Allgaier et al Castellano et al and Hutchings et al do not teach a clock housing pivotally linked to the measuring module about an axis. However a clock housing pivotally linked to the measuring module about an axis is well known in the art because it would allow the battery in the clock to be changed.

In reference to claim 29, Karr et al, Helm et al, Allgaier et al, Castellano et al and Hutchings et al do not teach a seal. Smith et al teaches a seal. Note column 3 lines 9-11. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a seal with Karr et al because it would prevent the electronic components from being damage.

In reference to claim 30, Karr et al, Helm et al, Allgaier et al, Castellano et al, Hutchings et al and Smith et al do not teach a surrounding ring on the clock housing, bayonet type connection with a control surface, that it can be received by the measuring module so that a seal between the clock housing and the measuring module is compressed. However a surrounding ring on the clock housing, bayonet type connection with a control surface, that can be received by the measuring module so that a seal between the clock housing and the measuring module is compressed is well known in the art because it would prevent moisture from destroying the electronic elements.

In reference to claim 31, Karr et al, Helm et al, Allgaier et al, Castellano et al, Hutchings et al, and Smith et al do not teach a holographic pattern printed on part of the dial. The However designs on dials are well known and are used to decorate the dial.

In reference to claim 32, Karr et al, Helm et al, Allgaier et al, Castellano et al do not teach a compass. Hutchings teaches two magnetometers aligned along the other two axes to provide a signal that corresponds to a compass direction. Note column 4 lines 50-65. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hutchings et al with Karr et al, Helm et al, Allgaier et al and Castellano et al because it would provide a direction of travel relative to the earth's magnetic north or to the global coordinate system.

In reference to claim 33, Karr et al teaches a stop clock function. Note column 3 lines 18-20.

In reference to claim 34, Karr et al, Helm et al, Allgaier et al, Castellano et al, Hutchings et al and Smith et al do not teach carrying out cash functions. However carrying out electronic cash functions is well known in the art. It would allow the date a transaction was made and the remaining balance of an account.

In reference to claim 35, Karr et al, Helm et al , Allgaier et al, Castellano et al, Hutchings et al and Smith et al do not teach an altimeter. However an altimeter is well known in the art because it helps a mountain climber determine the elevation he or she has climbed.

Response to Arguments

2. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Demetrius R. Pretlow whose telephone number is (703) 308-6722. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hilten, can be reached at (703) 308-0719. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Demetrius R. Pretlow Demetrius Pretlow 5/17/02

Patent Examiner

JOHN S. HILTEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800